

**DISTRICT ATTORNEY
COUNTY OF NEW YORK
ONE HOGAN PLACE
New York, N. Y. 10013
(212) 335-9000**

OFFICER: EDWIN LAU
TAX NUMBER: 950 730

DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. Edwin Lau is a named defendant in the civil action Kim Booker on Her Own Behalf and on Behalf of Her Infant Son K.O. v. the City of New York, et al., 13 CV 7298, filed in the U.S. District Court for the Southern District of New York, involving a police action incident that occurred on February 19, 2013.
2. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated an allegation that on December 20, 2018, Edwin Lau committed the violation of Force – Physical Force. This related to an encounter at the 25th Precinct stationhouse at about 3:09 a.m. with a person who had been arrested for resisting arrest, obstruction of governmental administration, criminal mischief, and criminal possession of a controlled substance in the seventh degree. (A 911 caller had reported the person breaking into a vehicle.) The arrestee was originally taken to Bellevue Hospital as an emotionally disturbed person due to his conduct at the time of arrest. On returning to the precinct from Bellevue, he was both hand-cuffed and leg-shackled.

Officer Lau and another officer dragged the arrestee into the holding cell area of the stationhouse while he was rear-cuffed and leg-shackled. Video of the holding cell area shows one officer walking backward, holding the chain between the leg-shackles. Officer Lau is seen walking forward, holding the arrestee by the left arm. The arrestee's behind is dragging along the ground. Officer Lau told CCRB investigators that he did not remember lodging the arrestee in the cell. On being shown the video, Officer Lau stated that the arrestee was dragged into the holding area because he refused to walk. Officer Lau also stated that he thought he was carrying the arrestee and didn't realize that the arrestee's rear was dragging on the ground. The CCRB noted that the Patrol Guide prohibits members of the service from using any level of force on handcuffed or otherwise restrained subjects unless necessary to prevent injury, escape, or to overcome active physical resistance or assault. As a result, the CCRB concluded that because stationhouse footage and the officers' accounts did not indicate that the arrestee was physically resisting, presenting a threat of assault, or attempting to escape, the use of force was unjustified.

This matter was referred to the New York Police Department which determined that it was unable to prosecute the violation.

3. The CCRB noted "Other Misconduct," to wit, Improper Use of Body-Worn Camera, on the part of Edwin Lau in connection with an incident on January 20, 2019. This related to an encounter in an apartment on East 116th Street in the 25th Precinct. Officer Lau and other

officers had responded to the apartment because of a 911 call made by the occupant stating that she was suicidal. The CCRB noted misconduct by Officer Lau in that he did not activate his body camera during the encounter with the complainant, despite the fact that the Patrol Guide requires that the BWC be activated prior to engaging in interactions with emotionally disturbed persons.

This matter was referred to the NYPD which deemed substantiated the allegation that Edwin Lau committed the violation Of Body Worn Camera – Fail to Activate.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: December 30, 2020